

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID KOSKE,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 04-30181-MAP
)	
)	
)	
TEXON USA, INC.,)	
)	
Defendant)	

SCHEDULING ORDER

October 20, 2005

NEIMAN, U.S.M.J.

Plaintiff's motion for entry of default judgment and assessment of damages (Document 10) has been referred to this court pursuant to 28 U.S.C. § 636. A hearing is scheduled for November 7, 2005, at 2:00 p.m. and the court will proceed via a report and recommendation. See *Conetta v. Nat'l Hair Care Centers, Inc.*, 236 F.3d 67, 72-75 (1st Cir. 2001). Based on the well-pleaded allegations of the complaint, the court intends to recommend a finding of liability. Nevertheless, Plaintiff will be expected at the hearing to present evidence, including testimony if necessary, establishing the damages sought. See *Eisler v. Stritzler*, 535 F.2d 148, 153-54 (1st Cir. 1976).

IT IS SO ORDERED.

/s/ Kenneth P. Neiman
KENNETH P. NEIMAN
U.S. Magistrate Judge